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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,369	08/25/2003	Masanobu Yamamoto	FY.50687US0A	2162
20995	7590	12/16/2005		
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
			EXAMINER YEAGLEY, DANIEL S	
			ART UNIT 3611	PAPER NUMBER

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/647,369

Applicant(s)

YAMAMOTO, MASANOBU

Examiner

Daniel Yeagley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 14-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14-21, 23-25 and 27 is/are rejected.
- 7) ☒ Claim(s) 22 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4 – 7, 10 – 13, 15, 18 – 21, 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Shichinohe et al '940.

Shichinohe shows a vehicle having an internal combustion engine, a saddle-riding seat 3, a steering assembly and a drive system mounted to a vehicle body (figure 1), wherein the internal combustion engine E comprises a crankshaft 16 mounted in a crankcase 9 along a first axis with a coupling means having a drive member 32 coupled to a driven member 32o which are located along the first axis and coupled with the crankshaft and a transmission T (figure 4), wherein the coupling means has the drive member and the driven member rotatably mounted generally within the crankcase, and the driven member is supported at a first end and a second end within the crankcase with bearings as shown in figure 4, such that the driven member is rotatably supported by the crankcase as broadly claimed as clearly shown in figure 4 via the crank shaft and wherein the drive member and driven member would rotate at the same speed and the drive member is permanently meshed within the driven member .

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3, 14, 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shichinohe et al '940 in view of Barthruff '279.

Shichinohe disclosed a vehicle with a coupling system having the drive member (clutch) and driven member which are mounted within the crankcase and extend along an axis and are coupled to a transmission as claimed, but failed to show a coupling means, wherein a damper portion has at least one cushioning member located between the drive member and the driven member, wherein the driven member covers the drive member and the damper portion.

Barthruff discloses an internal combustion engine which incorporates a coupling means which is located generally within a crankcase (figure 1) which shows a drive member 31 coupled to a driven member 21 by a dampening means 34 having the driven member covering the damper portion 34 and the drive member, wherein the driven member is directly supported by the crankcase at bearing 25.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the coupling means of the internal combustion engine of Shichinohe vehicle with an alternative or modified coupling system which provides a dampened connection between a crankcase supported driven member and a drive member during start-up as taught by Barthruff coupling means by incorporating a coupling means that utilizes a driven member covering the drive member and damper portion of the coupling system as suggested by Barthruff for enhancing the coupling means with a shock absorbing connection between the drive and driven members in the coupling system.

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5. Claims 8, 9, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shichinohe et al '940 in view of Shaw '275.

Shichinohe disclosed a vehicle; such as an all-terrain vehicle (figure 1), comprising a drive system and a steering assembly, but failed to disclose the vehicle having a steering assembly coupled to one or more skis and wherein the drive system comprises a drive track.

Shaw discloses an all-terrain vehicle (figure 1, column 1, lines 13-19), wherein the drive system comprises an alternative drive means; such as a drive track, and wherein the steering assembly is coupled to one or more skis as claimed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the all-terrain vehicle of Shichinohe with a modified or alternative drive means and steering means as suggested by Shaw in order to further enhance the use of the vehicle in other driving conditions as suggested by Shaw all-terrain vehicle having skis steered by the steering assembly and driven by a drive track to better drive and steer the vehicle dependent upon users preference and the terrain intended.

*Allowable Subject Matter*

6. Claims 22 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

7. Applicant's arguments filed 6/27/05 have been fully considered but they are not persuasive. In response to applicant's argument that the references must be identically shown in a single reference, the examiner disagrees because according to rejection under 102 to anticipate a claim, the reference only must teach every element of the claim as read in the MPEP, chapter 2100, under 2131 [R-1] Anticipation — Application of 35 U.S.C. 102(a), (b), and (e):

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Therefore the rejection is considered valid because Shichinohe et al as read is viewed as teaching the cited features of the broadly recited claims and further in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies in his arguments (i.e., the configuration to reduce or eliminate bending loads applied to the input shaft through interaction of the drive belt and drive pulley not being transferred to the crankshaft but rather to bearings) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Further regarding applicants' dependent claims, applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

*Conclusion*

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Yeagley whose telephone number is (571)-272-6655. The examiner can normally be reached on Mon. - Fri; first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on (571) - 272 - 6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.Y.

A handwritten signature in cursive script that reads "Lesley D Morris".

**LESLEY D. MORRIS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**